

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

MARK KIRKLAND (02)

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Criminal Action No. 4:23-CR-061-Y

DEFENDANT'S *UNOPPOSED* MOTION TO CONTINUE
TRIAL & ASSOCIATED PRETRIAL DEADLINES

TO THE HONORABLE UNITED STATES DISTRICT JUDGE TERRY R. MEANS:

The Defendant, MARK KIRKLAND, by and through his appointed counsel, Vincent Wisely, hereby moves the Court for an order continuing the date of trial and associated pretrial deadlines. In support of this motion, the defendant submits the following:

1. On March 8, 2023, Mr. Kirkland was charged by Indictment with conspiracy to possess with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 846 and 841 (a)(1) and (b)(1)(B). Mr. Kirkland's trial is currently scheduled for Monday, May 22, 2023, with pretrial motions due on the date of this motion (April 24, 2023).
2. Undersigned defense counsel respectfully requests a continuance of the scheduled trial date and associated pretrial deadlines for at least 30 days, as defense counsel's independent investigation is still ongoing, as well as plea negotiations between defense counsel and the government. It is likely that the defendant and the government will enter an agreed resolution to this case. **Over the ensuing 60 days, undersigned counsel will be unavailable on June 9, 12-16.**

3. Should the Court grant this continuance, the defendant agrees that any period of delay resulting therefrom, made necessary by this request for continuance, shall be excludable under 18 U.S.C. § 3161(h)(7)(A). Additionally, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A).
4. This request is not made for purposes of delay, but so that justice may be served, and that defendant may fully consider an informed alternative disposition of his case, or adequately prepare a defense for trial.

WHEREFORE, undersigned counsel respectfully requests a continuance of trial and associated pretrial deadlines for at least 30 days.

Respectfully submitted,

/s/ Vincent E. Wisely

Attorney, CJA Panel

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CERTIFICATE OF CONFERENCE

The undersigned counsel has conferred with Assistant U.S. Attorney Shawn Smith regarding this motion who indicated that he was UNOPPOSED.

/s/ Vincent E. Wisely

Attorney, CJA Panel

Representing Defendant Mark Kirkland (02)

CERTIFICATE OF SERVICE

I certify that on April 24, 2023, I electronically filed this document with the Clerk for the United States District Court, Northern District of Texas, using the electronic case filing ("ECF") system. The ECF system will send a "Notice of Electronic Filing" to all parties/counsel for record who have consented in writing to accept the Notice as service of this document by electronic means.

/s/ Vincent E. Wisely

Attorney, CJA Panel

Representing Defendant Mark Kirkland (02)